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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,793	01/24/2000	David K. McKnight	CA9-99-017	6281

25259 7590 04/08/2005

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EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/489,793	Applicant(s) MCKNIGHT ET AL.	
	Examiner William L. Bashore	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-36 and 40-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-22, 24-36 and 40-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Appeal Brief filed 9/24/2004, to the original application filed 1/24/2000, with priority filing date of 10/15/1999.
2. The rejection of the pending claims currently remain rejected under the combination of references applied to the previous office action. It is noted that a new ground(s) of rejection under 35 U.S.C. 101 is applied.
3. Claims 1-13, 16-36, 40-43 pending. Claims 1, 3-4, 12, 16, 22-24, 26-27, 35, 40-42 are independent claims.

Allowable Subject Matter

4. Claim 23 is allowed.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. The claimed invention as claimed in claims 1-13, 40-43 is directed to non-statutory subject matter.

In regard to independent claims 1, 3, 4, 12, the combined limitations in each of said claims can be fairly interpreted as a series of mental and/or manual steps (i.e. mentally/manually manipulating, formatting, parsing printed documents, etc.), and is therefore directed to non-statutory subject matter. The examiner's suggestion of amending each said claim to recite "*A computer implemented method...*" will serve to overcome this rejection.

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In regard to dependent claims 2, 5-11, 13, claims 2, 5-11, 13 are rejected for fully incorporating the deficiencies of their respective base claims.

In regard to independent claims 40, 41, 42, the recitation "*A system for...*" in each of said claim is non-statutory, since said system is not tangibly embodied in a manner so as to be executable for its intended purpose.

In regard to dependent claim 43, claim 43 is rejected for fully incorporating the deficiencies of its respective base claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-8, 10-12, 16-17, 19, 24-31, 33-35, 40, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Word 97 (hereinafter Word 97), 1996 Microsoft Corporation, screenshots pages 1-16.

In regard to independent claim 1, Word 97 teaches a method of formatting a document based upon an initial (on the fly) analysis of an example input (a user example document) (Word 97 page 2, 9; compare with claim 1 "*receiving a user example*").

Word 97 analyzes the following user example input: "Dear John," at which the system determines that one is attempting to write (format) a letter. A user chooses to get help, resulting in the appearance of Letter Wizard for final formatting and styling (Word 97 pages 10-15). Word 97 does not specifically disclose

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formatting non-functional aspects in the style of said example, as claimed. However, page 10 of Word 97 teaches a “Full block” letter style (incorporating non-functional block indent/groupings) as a default choice, which attempts to approximate the letter style display of said user input, therefore providing the claimed equivalent of formatting non-functional aspects in the style of user example input (Word 97 page 10; compare with claim 1 “*A method for formatting a document, comprising the steps of “, and “formatting the non-functional aspects of said document in the style of said user example.”*). It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of offering various style selections for convenience of document construction.

In regard to dependent claim 2, Word 97 teaches “Full block” and “Modified block” (indentation styles), as well as order (header and footer inclusion), and space for inputting mailing instructions, attention and Subjects (forms of comments) (see Word 97 pages 10, 11, 14).

In regard to independent claim 3, claim 3 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Word 97 teaches generation of various style templates based upon a user’s initial attempt at writing a letter, said templates comprising various components (section order, header, footer, date line, and text block groupings) (Word 97 pages 4, 10-11). Word 97 does not specifically teach alignment offsets, as claimed. However, Word 97 teaches a “Modified block” style including block indentations (Word 97 page 11), providing the claimed equivalent of alignment offsets. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 as incorporating offsets, providing the benefit of various letter styles for convenience (compare with claim 3 “*selectively generating from said example document style templates, alignment offsets and section order*”).

Word 97 teaches reformatting of inputted text and inclusion of macros (functional aspects) to fit the form of a selected letter style (Word 97 pages 4 11-12, 16; compare with claim 3 “*responsive to said templates, offsets, and order, formatting functional aspects of said output document.*”).

In regard to independent claim 4, claim 4 incorporates substantially similar subject matter as claimed in claim 3, and in further view of the following, is rejected along the same rationale.

Word 97 does not specifically disclose replaceable macros in an output document, as claimed. However, Word 97 teaches macro inclusion in templates, and a method of selecting alternate salutations (Word 97 pages 4, 16), providing the claimed equivalent of macro inclusion. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of macros for convenient display of alternate text (compare with claim 4 “*selectively including replaceable macros*”).

In regard to dependent claim 5, Word 97 teaches reformatting of inputted text and inclusion of macros (functional aspects) to fit the form of a selected letter style (Word 97 pages 4 11-12, 16).

Word 97 also teaches a method of selecting alternate salutations (Word 97 pages 4, 13, 16).

In regard to dependent claim 6, Word 97 teaches analysis of user input “Dear John,”, the analysis dependent upon syntactical review of the punctuation of said input (Word 97 page 2).

In regard to dependent claim 7, Word 97 teaches alteration of “mailing instructions”, “Attention”, and “Subject” fields, as well as creating auto text (after applying pattern matching) (Word 97 pages 14, 16). The alterations (i.e. comment removal, etc.) are temporary until saved by the user or by Word 97 auto save feature.

In regard to dependent claim 8, Word 97 teaches various sections of a document (Word 97 pages 10-15).

In regard to dependent claims 10, 11, Word 97 teaches revising a final document (changing its style) using a right click feature, in combination with a replaceable function (i.e. a macro) feature as taught in the rejection of independent claim 4 (see Word 97 page 16).

In regard to independent claim 12, claim 12 incorporates substantially similar subject matter as claimed in claim 3, and in further view of the following, is rejected along the same rationale.

Word 97 teaches a “Modified block” style template comprising various calculated block indents, the desired application of said template to a user document preserves said indents to produce a final document (Word 97 page 11).

Word 97 does not specifically teach parsing of components, as claimed. However, Word 97 teaches analyzing initial user inputted words and punctuation (Word 97 page 2, 9), which provides the claimed equivalent of parsing text components (compare with claim 12 “*while parsing document components*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of text analysis/matching for presentation of various templates.

In regard to independent claim 16, claim 16 reflects the computer program product comprising computer readable instructions used for performing the methods as claimed in claim 3, and in further view of the following, is rejected along the same rationale.

Word 97 does not specifically disclose formatting non-functional aspects in the style of said example, as claimed. However, page 10 of Word 97 teaches a “Full block” letter style (incorporating non-functional block indent/groupings) as a default choice, which attempts to approximate the letter style display of said user input, therefore providing the claimed equivalent of formatting non-functional aspects (Word 97 page 10; compare with claim 16 “*non-functional aspects*”). It would have been obvious to one of ordinary skill in the art at the

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time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of offering various style selections for convenience of document construction.

In regard to dependent claim 17, Word 97 does not specifically teach a grammar template for storing rules, as claimed. However, Word 97 teaches analysis of user input "Dear John," the analysis dependent upon syntactical and pattern matching review of the words and punctuation of said input (Word 97 page 2), providing the claimed equivalent of templates with grammar rules required to make such an analysis. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of rules for making accurate analysis.

In regard to dependent claim 19, Word 97 teaches a letter wizard can be used to modify/complete existing letters, each letter capable of incorporating various customized template portions (Word 97 page 2 - at bottom).

In regard to claims 24-31, 33-35, claims 24-31, 33-35 reflect the computer program product comprising computer readable instructions used for performing the methods as claimed in claims 1-8, 10-12, respectively, and are rejected along the same rationale.

In regard to claim 40, claim 40 reflects the system comprising computer readable instructions used for performing the methods of the product as claimed in claim 16, and is rejected along the same rationale.

In regard to claims 42, 43, claims 42, 43 reflect the system comprising computer readable instructions used for performing the methods as claimed in claims 4, 5, respectively, and are rejected along the same rationale.

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9. **Claims 9, 13, 18, 20-21, 32, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Word 97, as applied to claims 4, 12, 16, 27, 35 above, and further in view of Turbo C++ Version 4.5, 1995 Borland International (hereinafter Borland), screenshots pages 1-7.**

In regard to dependent claims 9, 13, Word 97 teaches group ordering (i.e. header, footer) (Word 97 page 11). Word 97 does not specifically teach public, protected, and private member access associated with an order, as well as offsets preserved for variables, functions, and constructors. However, Borland teaches a text editor for editing program files (i.e. C, C++, etc.). Borland teaches an auto indent mode as well as persistent blocks for preserving indentation of blocks of code (Borland page 2). Borland also teaches customization of reserved words (i.e. by color or underlining, etc.), said (C++) reserved word comprising “public”, private”, and “protected” words, as well as highlighting other types of data (i.e. variables, and elements making up functions and constructors, etc.). The customization of coloring, etc. to said words can be interpreted as a form of prioritized ordering (Borland pages 2, 7). Since Word 97 (and most typical text processors) can display a C++ text file, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Borland’s ordering/prioritization of C++ text to Word 97’s templates, providing word 97 the benefit of enhancing its templates to accommodate various text files.

In regard to dependent claims 18, 20, Word 97 does not specifically teach a grammar template for storing rules, as claimed. However, Word 97 teaches analysis of user input “Dear John,”, the analysis dependent upon syntactical and pattern matching review of the words and punctuation of said input (Word 97 page 2), providing the claimed equivalent of templates with grammar rules required to make such an analysis. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of rules for making accurate analysis.

Word 97 does not specifically teach rules for programming languages, or of declaration/definition files. However, Borland teaches an editor specifically tailored to edit text, as well as editing C++ text files,

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comprising declaration/definition files (i.e. #include <stdio.h>) (Borland pages 1, 6-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Borland's rules and files associated with C++ to Word 97, providing word 97 the benefit of enhancing its templates to accommodate various text files.

In regard to dependent claim 21, Word 97 does not specifically teach generation of class declarations, class-head, base-specifiers, body, access-specifiers, and member declarations. However, Borland teaches an editor specifically tailored to edit text, as well as editing and dealing with the specialized constructs within C++ text files. (Borland pages 1, 6-7). Since the above is specific to C++, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Borland's rules and constructs associated with C++ to Word 97, providing word 97 the benefit of enhancing its templates to accommodate various text files.

In regard to claims 32, 36, claims 32, 36 reflect the computer program product comprising computer readable instructions used for performing the methods as claimed in claims 9, 13, respectively, and are rejected along the same rationale.

10. **Claims 22, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Word 97, in view of Borland.**

In regard to independent claim 22, claim 22 reflects the computer program product comprising computer readable instructions used for performing the methods as claimed in claim 3, and in further view of the following, is rejected along the same rationale.

Word 97 teaches analysis of user input "Dear John," the analysis dependent upon syntactical and grammatical review of the words and punctuation of said input (Word 97 page 2; compare with claim 22 "*grammar*").

Word 97 does not specifically teach parsing of components, as claimed. However, Word 97 teaches analyzing initial user inputted words and punctuation (Word 97 page 2, 9), which provides the claimed equivalent of parsing text components (compare with claim 22 "*parsing*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of text analysis/matching for presentation of various templates.

Word 97 does not specifically teach templates for programming languages. However, Borland teaches an editor specifically tailored to edit text, as well as editing C++ programming files (Borland pages 1, 6-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Borland's specific editing of files associated with C++ to Word 97, providing word 97 the benefit of enhancing its templates to accommodate various text files for programmers.

In regard to independent claim 41, claim 41 reflects the system comprising computer readable instructions used for performing the methods of the product as claimed in claim 22, and is rejected along the same rationale.

Response to Arguments

11. Applicant's arguments (appeal brief) filed 9/24/2004 have been fully and carefully considered but they are not persuasive at the present time.

Applicant's arguments in said brief are substantially directed to the assertion that the cited art does not teach instant claim 1 (these arguments are essentially repeated on pages 15-34 for all independent claims). The examiner respectively notes that Word 97 teaches a document in which a user enters "Dear John,". A document beginning with such a greeting is generally typical of a "letter style" document. Word 97 knows this, and has registered this as a phrase indicative of a document with a style of type "letter". In order for Word 97 to recognize this phrase, it must analyze each character a user types (even if "pattern matching" is assumed, this is still part of an analysis). Experimentation with the Word 97 editor has shown that the "Clippet" help appears

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only after a user types the sequence: "Dear", <any name>, then ",", <Enter>. In addition, said help appears only when this phrase is typed on a blank document, further reinforcing Word's analysis of a user's input and placement. The examiner respectfully maintains that the document on Word 97 page 9 is indicative of a "style" of type "letter". Although Word 97 does not specifically disclose "non-functional" aspects, nevertheless, Letter Wizard's "Full Block" letter style (page 10) can fit within the letter style of Word 97 (page 9), therefore suggesting the arrangement of non-functional aspects (i.e. as defined by Applicant in claim 2 – indentation, etc.) to fit the letter style of page 9.

Conclusion

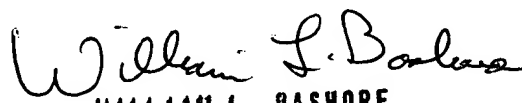
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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April 3, 2005